IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.17700 of 2005(O&M)
Date of Decision:28.08.2006

Krishan Chand Saini

Petitioner

versus

State of Punjab and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE PRITAM PAL

Present: Shri Arun Sharma, Advocate for the petitioner
Shri B.S.Sidhu, Advocate for respondent No.4
Shri P.S.Chhina, Additional Advocate General, Punjab

Jasbir Singh, J. (Oral)

Application is allowed, written statement on behalf of respondent No.4 is taken on record.

In this writ petition, it is prayer of the petitioner that respondent No.4 be directed to pay compensation, to the petitioner, for laying down sewerage pipe line through his land.

After hearing counsel for the parties, this Court feels that the present writ petition involves disputed question of fact as to whether consent given by a co-sharer to lay down the sewerage line, is binding on the petitioner and further that how much damage has been caused in laying down the sewerage pipe.

In view of this, after arguing for sometime, counsel for the petitioner states that he be allowed to withdraw this writ petition with liberty to file a civil suit. Accordingly, this writ petition is disposed of and liberty is granted to the petitioner to file a civil suit. It is made clear that if

any such suit is filed within one month from today, keeping in view representations filed by the petitioner, which were not disposed of by respondent No.4, it shall not raise any objection regarding limitation.

(Jasbir Singh)
Judge

August 28, 2006 **(Pritam Pal)**
gk **Judge**